

REMARKS

Claims 16-23 are pending. Claim 16 is amended and new claims 20-23 are added. Support for the amendment to claim 16 is found at page 9, second paragraph and page 12, lines 8-5 from the bottom. Support for new claim 22 can be found at page 9, lines 3, 4 and 23. Support for new claim 23 can be found at page 9, lines 26-30 as well as in original claim 16.

Figs. 2(a) –(c) and 3(a)-3(b) have been amended to be designated as Prior Art, as required by the Examiner.

Claims 16-19 were rejected under 35 USC §102(b) as being anticipated by Tsung. Favorable reconsideration of this rejection is requested in view of the amendments made herein.

Tsung is silent on the surface orientation as well as the off angle of 0.5° to 30° . Furthermore, Tsung merely discloses a device free from Al and does not mention a cladding layer comprising AlGaAs, AlGaInAs, AlGaInP or AlGaInN. Since materials comprising Al generally have a high specific resistance, the invention set forth in new claim 23 can effectively improve the property of devices containing the materials by reduction of the passing resistance and the like.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Amendment
Serial No. 10/652,342
Attorney Docket No. 990342A

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Stephen G. Adrian

Attorney for Applicants

Registration No. 32,878

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

SGA/arf

Attachments: Replacement Sheets
Petition for Extension of Time

Amendment
Serial No. 10/652,342
Attorney Docket No. 990342A

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figs.2 and 3.